

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-401 as follows:

6 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

7 Sec. 11-401. Motor vehicle accidents involving death or
8 personal injuries.

9 (a) The driver of any vehicle involved in a motor vehicle
10 accident resulting in personal injury to or death of any
11 person shall immediately stop such vehicle at the scene of
12 such accident, or as close thereto as possible and shall then
13 forthwith return to, and in every event shall remain at the
14 scene of the accident until the requirements of Section
15 11-403 have been fulfilled. Every such stop shall be made
16 without obstructing traffic more than is necessary.

17 (b) Any person who has failed to stop or to comply with
18 the requirements of paragraph (a) shall, as soon as possible
19 but in no case later than one hour after such motor vehicle
20 accident, or, if hospitalized and incapacitated from
21 reporting at any time during such period, as soon as possible
22 but in no case later than one hour after being discharged
23 from the hospital, report the place of the accident, the
24 date, the approximate time, the driver's name and address,
25 the registration number of the vehicle driven, and the names
26 of all other occupants of such vehicle, at a police station
27 or sheriff's office near the place where such accident
28 occurred. No report made as required under this paragraph
29 shall be used, directly or indirectly, as a basis for the
30 prosecution of any violation of paragraph (a).

31 For purposes of this Section, personal injury shall mean

1 any injury requiring immediate professional treatment in a
2 medical facility or doctor's office.

3 (c) Any person failing to comply with paragraph (a)
4 shall be guilty of a Class A misdemeanor.

5 (d) Any person failing to comply with paragraph (b) is
6 guilty of a Class 4 felony if the motor vehicle accident does
7 not result in the death of any person. Any person failing to
8 comply with paragraph (b) when the accident results in the
9 death of any person is guilty of a Class 2 felony, for which
10 the person, if sentenced to a term of imprisonment, shall be
11 sentenced to a term of not less than 3 years and not more
12 than 14 years.

13 (e) The Secretary of State shall revoke the driving
14 privilege of any person convicted of a violation of this
15 Section.

16 (f) The motor vehicle used in a violation of this
17 Section is subject to seizure and forfeiture as provided in
18 Sections 36-1 and 36-2 of the Criminal Code of 1961.

19 (Source: P.A. 90-543, eff. 12-1-97.)

20 Section 10. The Criminal Code of 1961 is amended by
21 changing Section 36-1 as follows:

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

23 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
24 used with the knowledge and consent of the owner in the
25 commission of, or in the attempt to commit as defined in
26 Section 8-4 of this Code, an offense prohibited by (a)
27 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
28 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,
29 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,
30 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,
31 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
32 Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16

1 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1
2 of this Code; (b) Section 21, 22, 23, 24 or 26 of the
3 Cigarette Tax Act if the vessel, vehicle or aircraft contains
4 more than 10 cartons of such cigarettes; (c) Section 28, 29
5 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or
6 aircraft contains more than 10 cartons of such cigarettes;
7 (d) Section 44 of the Environmental Protection Act; (e)
8 11-204.1 of the Illinois Vehicle Code; (f) the offenses
9 described in the following provisions of the Illinois Vehicle
10 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
11 (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense
12 described in subsection (g) of Section 6-303 of the Illinois
13 Vehicle Code; or (h) an offense described in Section 11-401
14 of the Illinois Vehicle Code, may be seized and delivered
15 forthwith to the sheriff of the county of seizure.

16 Within 15 days after such delivery the sheriff shall give
17 notice of seizure to each person according to the following
18 method: Upon each such person whose right, title or interest
19 is of record in the office of the Secretary of State, the
20 Secretary of Transportation, the Administrator of the Federal
21 Aviation Agency, or any other Department of this State, or
22 any other state of the United States if such vessel, vehicle
23 or aircraft is required to be so registered, as the case may
24 be, by mailing a copy of the notice by certified mail to the
25 address as given upon the records of the Secretary of State,
26 the Department of Aeronautics, Department of Public Works and
27 Buildings or any other Department of this State or the United
28 States if such vessel, vehicle or aircraft is required to be
29 so registered. Within that 15 day period the sheriff shall
30 also notify the State's Attorney of the county of seizure
31 about the seizure.

32 In addition, any mobile or portable equipment used in the
33 commission of an act which is in violation of Section 7g of
34 the Metropolitan Water Reclamation District Act shall be

1 subject to seizure and forfeiture under the same procedures
2 provided in this Article for the seizure and forfeiture of
3 vessels, vehicles and aircraft, and any such equipment shall
4 be deemed a vessel, vehicle or aircraft for purposes of this
5 Article.

6 When a person discharges a firearm at another individual
7 from a vehicle with the knowledge and consent of the owner of
8 the vehicle and with the intent to cause death or great
9 bodily harm to that individual and as a result causes death
10 or great bodily harm to that individual, the vehicle shall be
11 subject to seizure and forfeiture under the same procedures
12 provided in this Article for the seizure and forfeiture of
13 vehicles used in violations of clauses (a), (b), (c), or (d)
14 of this Section.

15 If the spouse of the owner of a vehicle seized for an
16 offense described in subsection (g) of Section 6-303 of the
17 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
18 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
19 of the Illinois Vehicle Code, or Section 9-3 of this Code
20 makes a showing that the seized vehicle is the only source of
21 transportation and it is determined that the financial
22 hardship to the family as a result of the seizure outweighs
23 the benefit to the State from the seizure, the vehicle may be
24 forfeited to the spouse or family member and the title to the
25 vehicle shall be transferred to the spouse or family member
26 who is properly licensed and who requires the use of the
27 vehicle for employment or family transportation purposes. A
28 written declaration of forfeiture of a vehicle under this
29 Section shall be sufficient cause for the title to be
30 transferred to the spouse or family member. The provisions
31 of this paragraph shall apply only to one forfeiture per
32 vehicle. If the vehicle is the subject of a subsequent
33 forfeiture proceeding by virtue of a subsequent conviction of
34 either spouse or the family member, the spouse or family

1 member to whom the vehicle was forfeited under the first
2 forfeiture proceeding may not utilize the provisions of this
3 paragraph in another forfeiture proceeding. If the owner of
4 the vehicle seized owns more than one vehicle, the procedure
5 set out in this paragraph may be used for only one vehicle.

6 Property declared contraband under Section 40 of the
7 Illinois Streetgang Terrorism Omnibus Prevention Act may be
8 seized and forfeited under this Article.

9 (Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02;
10 92-688, eff. 7-16-02.)